

REMARKS/ARGUMENTS

The Status of the Claims.

Claims 1-48 are pending with entry of this amendment, claims 49-68 being cancelled. Cancellation of these claims is without prejudice, without intent to abandon any originally-claimed subject matter, and without intent to acquiesce in any rejection of record. Applicants expressly reserve the right to file one or more continuing applications containing these cancelled claims.

Claims 1, 5 and 37 are amended herein. These amendments introduce no new matter and support is replete throughout the specification. These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record.

With respect to claims 1, support for the computer system operations can be found in the specification at, for example, paragraphs [0018] to [0019], [0027], [0029], [0033] though [0035] and Figure 4. Claims 5 and 37 have been amended to further clarify the claim and/or to correct typographical errors. Applicants submit that no new matter has been added to the application by way of the above Amendment. Accordingly, entry of the Amendment is respectfully requested.

The Election/Restriction Requirement.

Pursuant to a restriction requirement made final, Applicants cancel claims 49-68 with entry of this amendment. Please note, however, that Applicants reserve the right to file subsequent applications claiming the canceled subject matter and the claim cancellations should not be construed as abandonment or agreement with the Examiner's position in the Office Action.

The Information Disclosure Statement.

Applicants note with appreciation the Examiner's thorough consideration of the references cited in the Information Disclosure Statement (Form 1449) submitted on May 18, 2006.

Claim Objections.

Claim 37 has been amended to correct the typographical error as helpfully suggested by the Examiner. In light of the amended claim, Applicants respectfully request that the objection be withdrawn.

35 U.S.C. §103(a).

1. THE CLAIMS ARE PATENTABLE OVER VAGO AND FELDER

Claims 1, 5, 9, 23, 35-36, 38-39, 41 and 46-48 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Vago (USPN 5,921,102) in view of Felder et al. (USPN 6,467,285). Applicants traverse.

Three requirements must be met for a *prima facie* case of obviousness. First, the prior art reference must teach all of the limitations of the claims. M.P.E.P. § 2143.03. Second, there must be a motivation to modify the reference or combine the teachings to produce the claimed invention. M.P.E.P. § 2143.01. Third, a reasonable expectation of success is required. M.P.E.P. § 2143.02. The teaching or suggestion to combine and the expectation of success must be both found in the prior art and not based on Applicants' disclosure. M.P.E.P. §2143.

The cited publications do not teach all of the limitations of the claimed invention
Vago and Felder, alone or in combination, do not teach all of the limitations of the claimed invention, and thus do not meet the first criterion for proving a *prima facie* case for obviousness. Claim 1 is drawn to compound storage and retrieval system having (a) one or more storage modules comprising a lockable door controlling access to one or more racks within the storage module, which racks comprise one or more slots, which slots receive one or more trays; (b) a work area, providing operator access to the one or more storage modules; and, (c) a computer system operably coupled to the storage modules that implement one or more tray transfer operations between the storage module and the work area, wherein the computer system controls the lockable door of the storage module to prevent errors in replacement of trays into an incorrect slot or storage module. Vago is alleged to teach an automated cryogenic storage and retrieval system having an antechamber leading to a storage module via a lockable door, the storage unit comprising racks having a plurality of slots to accommodate sample vials (but not trays). Felder is alleged to teach an automated storage and retrieval apparatus adapted to store and retrieve containers (such as microplates) stored in racks.

However, Vago and Felder do not teach all of the limitations of the claimed invention. First, Vago does not teach storage units having a lockable door incorporated therein to control access to the Vago racks positioned within. In addition, Vago does not teach or describe a computer system which operates the lockable door of the storage module to prevent errors in replacement of trays into an incorrect slot or storage module. The storage unit of Vago is a housing (e.g., the dewar) encompassing a cylindrical sample carrier and having with a lateral access port in the sidewall (column 3, lines 43-53). The lateral access port holds an elongate plug member (also

referred to as a “sealing wedge”), which has a loose fit (column 2, lines 48-49) and retracts/opens inward (radially, into the sample carrier) to access the samples within the storage unit. This plug member is not a lockable component, nor is it used to control access or prevent errors in retrieval and replacement of samples from the Vago storage device. The “lockable door 44” referred to by the Office is an access door leading to the Vago enclosure 24, which room contains the Vago storage device (column 5, line 59 and Figure 1); however, this door does not control access to the samples within the storage device. Thus, Vago does not teach or describe a storage module having a lockable door controlling access to one or more racks within the storage module.

These deficits are not remedied by Felder, since Felder also does not teach or describe a storage module having a lockable door controlling access to one or more racks, or computer systems that operate the lockable door of the storage module to prevent errors in replacement of trays into an incorrect slot or storage module. Since Vago and Felder, alone or in combination, do not teach all of the limitations of the claims, Applicants respectfully submit that the cited art does not meet the first criterion for proving a *prima facie* case for obviousness.

There is no motivation to modify the cited art to produce the claimed invention

The Office has not provided any motivation from the cited art, and not derived from Applicants’ disclosure, to alter the Vago storage unit and robotic mechanism by incorporating the microplate-accommodating racks of Felder, or to include a lockable storage module door as provided by the subject invention.

As noted above, the Vago storage module is a housing having a elongate access plug and holding a cylindrical specimen carrier, and a robotic insertion and retrieval mechanism; both the storage module and the robotic mechanism are contained within enclosure 24 (see column 3, lines 43-63; column 5, lines 34-41; and the Figures). There is no motivation provided by the Office to alter the storage units or elongate access plus of Vago in order to provide a lockable door separating the cylindrical array of samples and the robotic retrieval system. Rather, Vago teaches away from complicated door systems based upon a need in the art for “simpler construction than prior cryogenic storage devices” (column 2, lines 1-3) and an internally-stored plug in order to reduce ice formation around the access port (column 2, lines 43-46).

Furthermore, there is no motivation to replace the specimen carrier of Vago with the racks and microtiter plates of Felder. The Vago sample vials are inserted radially into perforations in the aluminum cylinder, so that the inner ends of the vials are placed in contact with the drum component (see column 7, line 54 through column 8, line 5, and column 9, lines 18-20). In this manner, “the specimens are easily maintained at cryogenic temperatures and the thermal gradient

from the top to the bottom of storage chamber 104 is minimized.” The Office has not provided any motivation to replace the perforated cylindrical specimen carrier and sample vials of Vago, which maintain the cryogenic temperatures by positioning each sample proximal to the “efficient thermal conductive” drum of the Vago dewar, with the racks and microtiter plates of Felder which, due to their arrayed geometry, must be positioned in a less advantageous manner (e.g., each sample in the rectangular array cannot be positioned equally close to the thermally conductive components of the cylindrical storage device).

Absent any motivation from the cited art to modify the Vago storage units by adding a lockable door mechanism, or any motivation to alter the thermally efficient design of the Vago device by replacing the Vago sample vials/carrier with the racks and microtiter plates of Felder, Applicants respectfully submit that the second criterion for proving a case of obviousness has not been met.

There is no reasonable expectation of successfully modifying the cited art to produce the claimed invention

Finally, with respect to the third criterion for proving obviousness, the Office does not provide how Vago might successfully be modified using the rack design of Felder, to produce the compound storage and retrieval systems of the claimed invention.

During operation, the Vago plug member is moved internal into the storage device, and the sample vials are inserted radially into perforations in the aluminum cylinder, so that the inner ends of the vials are placed in contact with the drum component (see column 7, line 54 through column 8, line 5, and column 9, lines 18-20). Insertion is achieved using a suction device and vacuum feed line on the robotic insertion and retrieval mechanism (column 8, lines 35-57). In addition to lacking motivation to do so (as noted above), the Office has not provided how the racks and microtiter plates of Felder can be positioned in the Vago storage device such that all of the sample-containing wells of the microtiter plate are in contact with the Vago storage unit drum. Nor does the Action indicate how the microtiter plates and racks of Felder can be inserted and retrieved using the vacuum-driven Vago robotic insertion and retrieval mechanism. Thus, there is no reasonable expectation that modifying the Vago by Felder would successfully produce a working storage device, much less the storage systems of the claimed invention. Furthermore, the Action does not provide a means by which one of skill in the art might reasonable expect to successfully modify the elongated plug member of the Vago device (which has a loose fit to the housing, and moves inwardly into the interior of the cylindrical storage device) to produce the lockable door of the claimed invention. Since there is no reasonable expectation that modifying the Vago device with the

features of Felder would successfully produce the claimed storage and retrieval systems, Applicants respectfully submit that the third criterion for proving a case of obviousness has not been met.

Summary

Since Vago and Felder do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants respectfully submit that the rejection is improper and must be withdrawn.

2. THE CLAIMS ARE PATENTABLE OVER FELDER

Claims 1, 7-8, 10, 12-23, 26-29, 31, 35-39, 41-44 and 48 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Felder. Applicants traverse.

As noted above, there are three requirements for proving a *prima facie* case of obviousness: the prior art reference must teach all of the limitations of the claims, there must be a motivation to modify the reference to produce the claimed invention, and there must be a reasonable expectation of successfully producing the claimed invention upon combining the references. Furthermore, the motivation to combine the teachings and the expectation of success must be found in the prior art, rather than based on Applicants' disclosure. Felder does not meet these requirements, as noted below.

Felder does not teach all of the limitations of the claimed invention

First, Felder does not meet the first criterion for proving a *prima facie* case for obviousness. Claim 1 is drawn to compound storage and retrieval systems having one or more storage modules comprising a lockable door controlling access to one or more racks within the storage module, a work area to provide operator access, and a computer system operably coupled to the storage modules that implement one or more tray transfer operations between the storage module and the work area, wherein the computer system controls the lockable door of the storage module to prevent errors in replacement of trays into an incorrect slot or storage module. Felder is alleged to teach or describe automated cryogenic storage and retrieval systems having a storage module 1 with an exterior door 62 and an interior door 61 that provides access to a plurality of racks 23 having trays 28 adapted to receive tray-like containers, such as microplates.

However, Felder does not teach all of the limitations of the claimed invention. For example, Felder does not teach or disclose storage modules having a lockable door that controls access to the racks positioned therein. This is confirmed by the Action at page 4 ("Although the

reference does not disclose that the doors are lockable...”). Furthermore, Felder does not teach or disclose computer systems that control the lockable door of the storage module to prevent errors in replacement of trays (e.g., into an incorrect slot or incorrect storage module). Since Felder does not teach all of the limitations of the claims, Applicants respectfully submit that the cited art does not meet the first criterion for proving a *prima facie* case for obviousness.

There is no motivation to modify the cited art to produce the claimed invention

The Office has not provided any motivation from Felder to incorporate a lock mechanism into the Felder device door in order to control access and/or to prevent errors in replacement of trays into an incorrect slot or storage module. According to the Action, the Felder system has two doors in order to minimize interaction between the exterior and interior of the module. However, what the Action has not acknowledged is that the two doors are providing access to and from an antechamber, which is used for the purpose of dehumidifying the air accompanying insertion of a sample, thereby eliminating the accumulation of frost (a highly reprehensible event in cold storage). There is no motivation for Felder to add a lock mechanism to the antechamber doors, since a lockable door would not enhance the ability of the antechamber’s climate control system to further reduce moisture content in the air. Absent any motivation from the cited art to modify the sample insertion and dehumidification doors of the Felder device, Applicants respectfully submit that the second criterion for proving a case of obviousness has not been met.

There is no reasonable expectation of successfully modifying the cited art to produce the claimed invention

Finally, with respect to the third criterion for proving obviousness, the Office does not provide how modifying the Felder storage device to include lockable doors would successfully produce the storage and retrieval systems of the claimed invention. The doors of the Felder device that allegedly would be obvious for one of skill to make lockable are positioned at the dehumidifying antechamber, and not between the racks and the Felder retrieval mechanism. Thus, the lock status of these doors would not control access between the racks and the retrieval mechanism, nor would they function to prevent errors in replacement of trays into an incorrect slot or storage module. Thus, there is no reasonable expectation that modifying the Felder device by adding locks to the antechamber doors would successfully produce the claimed invention. Applicants respectfully submit that the third criterion for proving a case of obviousness has not been met.

Summary

Since Felder does not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there

a reasonable expectation of successfully producing the claimed invention), Applicants respectfully submit that the rejection is improper and must be withdrawn.

3. CLAIMS 2 AND 3 ARE PATENTABLE OVER FELDER AND KLEE

Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Felder in view of Klee (USPN 4,800,728). Applicants traverse.

The criteria for proving a *prima facie* case of obviousness are provided above. Claims 2 and 3 are drawn to embodiments of storage and retrieval systems in which the humidity is a relatively low humidity or relative humidity of less than 40%. As noted previously, the claimed systems include one or more storage modules comprising a lockable door controlling access to one or more racks. Felder is alleged to teach an automated cryogenic storage and retrieval system having a storage module with an exterior door, an interior door, and a plurality of racks for receiving microplates. Klee is alleged to teach frost formation “whenever ambient air exceeding relative humidity of 50% at room temperature mixes with cryogenic air.” However, the cited publications, alone or in combination, do not meet the criteria for proving a *prima facie* case of obviousness.

First, Felder in combination with Klee do not teach all of the limitations of the claims. As noted above, Felder does not teach storage modules having a lockable door that controls access to the racks positioned therein. Since this deficit is not remedied by Klee, the cited art does not meet the first criterion for proving a *prima facie* case for obviousness. Secondly, there is no motivation provided by either Felder or Klee to incorporate a lock mechanism into the Felder device door, particularly given the purpose of the Felder doors is to provide an antechamber for dehumidification purposes, and this feature is not enhanced by the addition of a locking mechanism. Finally, the humidity aspects of Klee, even when combined with the storage devices of Felder, would not successfully produce the compound storage and retrieval systems of the claimed invention.

Since Felder and Klee, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants submit that the claims are patentable over the cited art and respectfully request that the rejection be withdrawn.

4. CLAIM 4 IS PATENTABLE OVER VAGO, FELDER AND KLEE

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Vago in view of Felder and in further view of Klee. Applicants traverse.

The criteria for proving a *prima facie* case of obviousness are provided above. Claim 4 is drawn to embodiments of the claimed storage and retrieval systems having an antechamber with a low relative humidity and a temperature between 4-20°C. As noted previously, the claimed systems also include one or more storage modules comprising a lockable door controlling access to one or more racks. Vago is alleged to teach an automated cryogenic storage and retrieval system having an antechamber leading to a storage module via a lockable door, the storage unit comprising racks having a plurality of slots to accommodate sample vials (but not trays). Felder is alleged to teach an automated cryogenic storage and retrieval system having a storage module with an exterior door, an interior door, and a plurality of racks for receiving microplates. Klee is alleged to teach frost formation “whenever ambient air exceeding relative humidity of 50% at room temperature mixes with cryogenic air.” However, the cited publications, alone or in combination, do not meet the criteria for proving a *prima facie* case of obviousness.

The cited publications do not teach all of the limitations of the claims. As noted above, neither Vago nor Felder teach storage modules having a lockable door that controls access to the racks positioned therein. Since this deficit is not remedied by Klee, the cited art does not meet the first criterion for proving a *prima facie* case for obviousness. Furthermore, there is no motivation provided by the cited art to incorporate a lock mechanism into either the Vago chamber door or the Felder device door, nor is one provided by Klee. Finally, the humidity aspects of Klee, even when combined with the storage devices of either Vago or Felder, would not successfully produce the compound storage and retrieval systems of the claimed invention.

Since Vago, Felder and Klee, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants submit that the claims are patentable over the cited art and respectfully request that the rejection be withdrawn.

5. THE CLAIMS ARE PATENTABLE OVER FELDER AND KASMAN

Claims 24-25, 30 and 32 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Felder in view of Kasman (USPN 5,459,300). Applicants traverse.

The criteria for proving a *prima facie* case of obviousness are provided above. Claims 24-25, 30 and 32 are drawn to microtiter plate-related embodiments of storage and retrieval systems of the claimed invention, which systems also include one or more storage modules

comprising a lockable door controlling access to one or more racks. Felder is alleged to teach an automated cryogenic storage and retrieval system having a storage module with an exterior door, an interior door, and a plurality of racks for receiving microplates. Kasman is alleged to teach microtiter plates made of polycarbonate and having specified number of wells and covers. However, the cited publications, alone or in combination, do not meet the criteria for proving a *prima facie* case of obviousness.

As noted above, Felder does not teach storage modules having a lockable door that controls access to the racks positioned therein. Since this deficit is not remedied by Kasman the cited art does not teach all of the limitations of the claims and thus does not meet the first criterion for proving a *prima facie* case for obviousness. With respect to the second criterion, there is no motivation provided by either Felder or Kasman to incorporate a lock mechanism into the Felder device door, particularly given the purpose of the Felder doors is to provide an antechamber for dehumidification purposes, and this feature is not enhanced by the addition of a locking mechanism. Finally, the microtiter plate aspects of Kasman, even when combined with the storage devices of Felder, would not successfully produce the compound storage and retrieval systems of the claimed invention.

Since Felder and Kasman, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants submit that the claims are patentable over the cited art and respectfully request that the rejection be withdrawn.

6. CLAIM 6 IS PATENTABLE OVER VAGO, FELDER AND ROTH

Claim 6 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Vago in view of Felder and in further view of Roth et al. (USPN 5,758,913). Applicants traverse.

Claim 6 is drawn to compound storage and retrieval system embodiments in which the lock of the lockable door comprises 100 pounds of magnetic locking force or more and is controllable by the computer system. As noted above, Vago is alleged to teach storage system having an antechamber leading to a storage module via a lockable door, the storage unit comprising racks having a plurality of slots to accommodate sample vials (but not trays). Felder is alleged to teach storage modules having an exterior door, an interior door, and a plurality of racks for receiving microplates. Roth is alleged to teach electronic door locks having a magnetic locking means.

However, the cited publications, alone or in combination, do not meet the criteria for proving a *prima facie* case of obviousness.

First, the cited publications do not teach all of the limitations of the claims. As noted above, neither Vago nor Felder teach storage modules having a lockable door that controls access to the racks positioned therein. The Roth electromagnetic lock is designed to absorb inertial force (i.e., a kick) using the resilience provided by the spring and plunger combination. However, Roth does not teach or describe providing lockable doors on storage chambers in order to control access to internally-positioned racks and prevent errors in replacement of trays. Since the deficits in Vago and Felder are not remedied by Roth, the cited art does not meet the first criterion for proving a *prima facie* case for obviousness. Furthermore, there is no motivation provided by the cited art to incorporate any lock mechanism, much less the kick-resistant Roth lock mechanism, into either the Vago chamber door or the Felder device door. Finally, the impact-resistant lock mechanisms of Roth, even when combined with the storage devices of either Vago or Felder, would not successfully produce the compound storage and retrieval systems of the claimed invention.

Since Vago, Felder and Roth, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants submit that the claims are patentable over the cited art and respectfully request that the rejection be withdrawn.

7. CLAIM 11 IS PATENTABLE OVER FELDER AND RIVOIRE

Claim 11 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Felder in view of Rivoire (USPN 4,314,459). Applicants traverse.

Claim 11 is drawn to compound storage and retrieval systems in which the storage modules are temperature controlled to a precision within 2° C of a desired temperature setting. Felder is alleged to teach storage modules having an exterior door, an interior door, and a plurality of racks for receiving microplates. Rivoire is alleged to teach a cryogenic device having a temperature sensor in communication with a control circuit. However, the cited publications, alone or in combination, do not meet the criteria for proving a *prima facie* case of obviousness.

As noted in detail above, Felder does not teach storage modules having a lockable door that controls access to the racks positioned therein. This deficit is not remedied by Rivoire, in which the cryogenic container is an open-top insulating receptacle, and not a closed container having a door. Since the cited art does not teach all of the limitations of the claims, the publications do not

meet the first criterion for proving a *prima facie* case for obviousness. With respect to the second criterion, there is no motivation provided by either Felder or Rivoire to incorporate a lock mechanism into the Felder antechamber doors, particularly given the dehumidification use of the Felder antechamber, and the "open to the atmosphere" design of the Rivoire device. Finally, the temperature sensor and control circuitry aspects of Rivoire, even when combined with the storage devices of Felder, would not successfully produce the compound storage and retrieval systems of the claimed invention.

Since Felder and Rivoire, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants submit that the claims are patentable over the cited art and respectfully request that the rejection be withdrawn.

8. CLAIM 40 IS PATENTABLE OVER VAGO, FELDER AND LANGAVANT

Claim 40 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Vago in view of Felder and further in view of Langavant. Applicants traverse.

Claim 40 is drawn to compound storage and retrieval systems in which data such as work area temperature, a storage module temperature, a work area oxygen level, or a storage module oxygen level, is transmitted the computer. Vago and Felder allegedly disclose automated cryogenic storage and retrieval system as noted above. Langavant allegedly discloses a cryogenic temperature control system. However, the cited publications, alone or in combination, do not meet the criteria for proving a *prima facie* case of obviousness.

The cited publications do not teach all of the limitations of the claims. As noted above, neither Vago nor Felder teach storage modules having a lockable door that controls access to the racks positioned therein. Since this deficit is not remedied by Langavant, the cited art does not meet the first criterion for proving a *prima facie* case for obviousness. Furthermore, there is no motivation provided by the cited art to incorporate a lock mechanism into either the Vago chamber door or the Felder device door, nor is one provided by Langavant. Finally, the cryogenic temperature control systems of Langavant, even when combined with the storage devices of either Vago or Felder, would not successfully produce the compound storage and retrieval systems having a storage module with a lockable door controlling access to one or more racks within the unit.

Since Vago, Felder and Langavant, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no

motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants submit that the claims are patentable over the cited art and respectfully request that the rejection be withdrawn.

9. CLAIM 45 IS PATENTABLE OVER VAGO, FELDER AND SCHMITZ II

Claim 45 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Vago in view of Felder and further in view of Schmitz II et al. (USPN 4,979,338). Applicants traverse.

Claim 45 is drawn to compound storage and retrieval systems in which data output devices display one or more of a work area temperature, a storage module temperature, a work area oxygen level or a storage module oxygen level. Vago and Felder allegedly disclose automated cryogenic storage and retrieval system as noted above. Schmitz II allegedly discloses a cryogenic storage system with a digital temperature controller and a temperature display. However, the cited publications, alone or in combination, do not meet the criteria for proving a *prima facie* case of obviousness.

The cited publications do not teach all of the limitations of the claims. As noted above, neither Vago nor Felder teach storage modules having a lockable door that controls access to the racks positioned therein. Since this deficit is not remedied by Schmitz II, the cited art does not meet the first criterion for proving a *prima facie* case for obviousness. Furthermore, there is no motivation provided by the cited art to incorporate a lock mechanism into either the Vago chamber door or the Felder device door, nor is one provided by the temperature display units taught by Schmitz II. Finally, the cryogenic controller and displays of Schmitz II, even when combined with the storage devices of either Vago or Felder, would not successfully produce the compound storage and retrieval systems having a storage module with a lockable door controlling access to one or more racks within the unit.

Since Vago, Felder and Schmitz II, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants submit that the claims are patentable over the cited art and respectfully request that the rejection be withdrawn.

Appl. No. 10/773,766
Amdt. Dated February 7, 2007
Reply to Office action of August 7, 2006

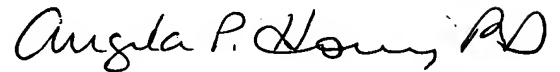
CONCLUSION

In view of the foregoing, Applicants believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 337-7871 to schedule an interview.

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Respectfully submitted,



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Attachments:

- 1) A petition to extend the period of response for **3** months;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet; and
- 4) A receipt indication postcard.